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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Lazaro Rodriguez	)	File No.: EB-FIELDSCR-16-00021982
	)	
Miami, Florida	)	NOV No.: V201632600004
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 23, 2016**

By the Regional Director, Miami Office, Region 2, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Lazaro Rodriguez in Miami, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On June 19, 2016, agents of the Enforcement Bureau's Miami Office responded to a complaint of interference from the United States Coast Guard (USCG) in Miami, Florida, regarding a continuous unmodulated carrier transmitting on VHF Channel 16, the international radiotelephone distress, urgency, safety, and calling frequency used by the USCG. Using direction finding techniques, the Miami agents traced the interfering signal to a faulty VHF marine radio installed and operated on a vessel, which was parked at your residence in Miami, Florida. The continuous transmission was in violation of the following:

47 C.F.R. § 80.89(d): "Stations must not: when using telephony, transmit signals or communications not addressed to a particular station or stations...." The VHF marine radio installed on your vessel was transmitting a continuous signal with no audio on Marine Channel 16. Mr. Rodriguez was notified that his marine radio was faulty and caused interference to Marine Channel 16.

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1 47 C.F.R. § 1.89.

2 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Lazaro Rodriguez must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Lazaro Rodriguez to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Lazaro Rodriguez with personal knowledge of the representations provided in Lazaro Rodriguez's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in Lazaro Rodriguez's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Miami Office  
P.O. Box 266468  
Weston, FL 33326

6. This Notice shall be sent to Lazaro Rodriguez at his address of record.

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3 47 U.S.C. § 403.

4 47 C.F.R. § 1.89(c).

5 Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

6 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage  
Regional Director  
Region 2  
Enforcement Bureau

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7 P.L. 93-579, 5 U.S.C. § 552a(e)(3).